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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,457	06/26/2003	David A. Levine	60027.0202US01/BS02360	3483
23552	7590	11/14/2006	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,457

Applicant(s)

LEVINE, DAVID A.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-27 and 29-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-27 and 29-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. **Claim(s) 9** is objected to because of the following informalities: Line 1, has a double brackets "[[1]]" should be a single bracket. Correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim(s) 1, 2, 4, 5, 7 and 8** are rejected under 35 U.S.C. 102(e) as being anticipated by Lawson et al. (US 2004/0114733 A1).

Regarding **claim(s) 1**, Lawson discloses a method of storing and accessing information to and from a remote voice information system (paragraph 0003), comprising:

receiving a call to a voice information application wherein the call is routed to an intelligent network component and wherein routing the call includes routing the call to the voice information application at a telecommunications system services node (paragraph 0075);

connecting the call to the voice information application (paragraph 0078);
forwarding a voice information message from a subscriber placing the call
(paragraph 0075);
storing the voice information message for subsequent retrieval by the subscriber
(paragraph 0075); and
indexing the stored voice information message for locating the stored voice
information by the voice information application (paragraph 0076).

Regarding **claim(s) 2**, Lawson discloses a method, further comprising: receiving
a request for the stored voice information message from the subscriber (paragraph
0131);

locating the requested stored voice information message from a data store of
information available to the voice information application (paragraph 0131); and
playing the requested stored voice information message to the subscriber
(paragraph 0131).

Regarding **claim(s) 4**, Lawson discloses a method, whereby placing the call to
the voice information application includes placing the call via a wireline telephone
(paragraph 0075).

Regarding **claim(s) 5**, Lawson discloses a method, whereby the step of placing the call to the voice information application includes placing the call via a wireless telephone (paragraph 0075).

Regarding **claim(s) 7**, Lawson discloses whereby the services node includes a voice services node (paragraph 0080).

Regarding **claim(s) 8**, Lawson discloses a method, whereby the step of connecting the call to the voice information application includes connecting the call to the voice information application via a computer telephony interface (paragraph 0075).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. **Claim(s) 3, 9-14, 16-20, 24-27 and 29-37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawson in view of Cloutier et al. (US 6,535,586 B1).

Regarding **claim(s) 24**, Lawson discloses a method of storing and accessing information to and from a remote voice information system (paragraph 0003), comprising:

receiving a call by a subscriber to a voice information application using a telephone directory number associated with the voice information application (paragraph 0075);

routing the call to the voice information application at a telecommunications system services node (paragraph 0075);

connecting the call to the voice information application at the services node via a computer telephony interface (paragraph 0078);

providing the subscriber a set of voice information application options for recording a voice information message and for accessing any previously stored information (paragraph 0080).

Lawson fails to disclose storing at a remote server one or more text information messages.

However, Cloutier teaches storing at a remote server one or more text information messages for access by the voice information application (column 3, lines 55-61);

receiving a request from the subscriber for voice information accessible by the voice application from the remote server (column 6, lines 36-44);

obtaining by the voice information application the requested voice information (column 6, lines 50-52);

converting the requested voice information message from a text format to an audio format (column 6, lines 59-61); and

playing the audio format message to the subscriber via a subscriber wireline or wireless telephone (column 7, lines 13-14).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Lawson using the teaching of user interface as taught by Cloutier.

This modification of the invention enables the system to convert the text message to a speech format so that the user would have easy access to the content of a specific message using a unique code.

Regarding **claim(s) 3**, Cloutier teaches receiving a request for a stored text information message (column 6, lines 36-44);

locating the requested stored text information in a data store of information available to the voice information application (column 6, lines 50-52); and

converting the requested stored text information message from a text format to an audio format (column 6, lines 59-61).

Regarding **claim(s) 9**, Lawson discloses a method, prior to the step of connecting the call to the voice information application, authenticating a caller placing the call as an authorized subscriber of the voice information application (paragraph 0075).

Regarding **claim(s) 10, 16, 17, 18 and 19**, Lawson discloses a method, further comprising: providing the subscriber a set of voice information application options voice information message and for accessing any previously stored for recording a information (paragraph 0080); and

receiving a voice information application option selection from the subscriber (paragraph 0080).

Regarding **claim(s) 11**, Lawson discloses after providing the subscriber a set of voice information application options, allowing the subscriber to navigate through the set of voice information options by selection of telephone keypad keys associated with navigation functionality (paragraph 0080).

Regarding **claim(s) 12**, Lawson discloses allowing the subscriber to navigate through a set of voice information application options via voice commands from the subscriber (paragraph 0080).

Regarding **claim(s) 13**, Lawson discloses the step of receiving a voice information application option selection from the subscriber includes receiving the voice information application option via a DTMF tone generated from a telephone keypad selection from the subscriber (paragraph 0080).

Regarding **claim(s) 14**, Lawson discloses the step of receiving a voice information application option selection from the subscriber includes receiving the voice information application option selection via a voice command from the subscriber (paragraph 0080).

Regarding **claim(s) 20**, Lawson discloses the selection option includes allowing the subscriber to search a data store of available information that may be retrieved by the subscriber telephonically in audio format (paragraph 0080).

Regarding **claim(s) 25**, Lawson discloses a method of storing and accessing information to and from a remote voice information system, prior to the step of connecting the call to the voice information application via a computer telephony interface, authenticating a caller placing the call as an authorized subscriber of the voice information application (paragraph 0075).

Regarding **claim(s) 26**, Lawson discloses, after providing the subscriber a set of voice information application options, allowing the subscriber to navigate through the set of voice information options, by selection of telephone keypad keys associated with navigation functionality (paragraph 0080).

Regarding **claim(s) 27**, Lawson discloses allowing the subscriber to navigate through a set of voice information application options via voice commands from the subscriber (paragraph 0075).

Regarding **claim(s) 29**, Lawson discloses a system for storing and accessing information to and from a remote voice information system (paragraph 0003), comprising:

- a voice information application (40 on FIG. 1) operative
- to receive a call from a subscriber for voice information services using a telephone directory number associated with the voice information application (paragraph 0075);
- to communicate with the call via a computer telephony interface (paragraph 0075);
- to provide the subscriber a set of voice information options (paragraph 0080);
- to receive and process a selected voice information option from the subscriber (paragraph 0080).

Lawson fails to disclose storing at a remote server one or more text information messages.

However, Cloutier teaches to store at a remote server one or more text information messages for access by the voice information application prior to receiving a request for a stored text information message (column 3, lines 55-61);

to parse a data store of information for voice information responsive to the selected voice information option (column 6, lines 50-52); and

to provide voice information to the subscriber telephonically via the computer telephony interface (column 7, lines 13-14).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Lawson using the teaching of user interface as taught by Cloutier.

This modification of the invention enables the system to convert the text message to a speech format so that the user would have easy access to the content of a specific message using a unique code.

Regarding **claim(s) 30**, Cloutier teaches the voice information application is further operative to communicate with a remote server to obtain voice information stored at the remote server by the subscriber (FIG. 1 and 5 and column 7, lines 19-25).

Regarding **claim(s) 31**, Cloutier teaches the voice information application is further operative to pass text-based voice information from the remote server requested

by the subscriber to a text-to-speech module for conversion to audio format (column 6, lines 50-52).

Regarding **claim(s) 32**, Lawson discloses a system, whereby the voice information application is further operative to receive a request for stored voice information from the subscriber (paragraph 0075);

to locate the requested stored voice information from a data store of information available to the voice information application (paragraph 0075); and

to play the requested stored voice information to the subscriber (paragraph 0075).

Regarding **claim(s) 33**, Lawson discloses a system, whereby the voice information application is further operative to authenticate a caller placing the call as an authorized subscriber of the voice information application (paragraph 0080).

Regarding **claim(s) 34**, Lawson discloses a system, whereby the selected option includes allowing the subscriber to record a voice information message (paragraph 0080).

Regarding **claim(s) 35**, Lawson discloses a system, whereby the selection option includes allowing the subscriber to retrieve and play previously stored voice or text messages (paragraph 0080).

Regarding **claim(s) 36**, Lawson discloses a system, whereby the selected option includes allowing the subscriber to retrieve and play a plurality of stored data (paragraph 0080).

Regarding **claim(s) 37**, Lawson discloses the selection option includes allowing the subscriber to search a data store of available information that may be retrieved by the subscriber telephonically in audio format (paragraph 0080).

7. **Claim(s) 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawson in view of Cloutier as applied to **claim(s) 14** above, and further in view of Johnstone et al. (US 4,462,080).

Regarding **claim(s) 15**, Merwin in combination with Contractor and Wise as applied to **claim(s) 14** differ from **claim(s) 15** in that it fails to disclose converting the voice command from the subscriber from a voice format to a digital format.

However, Johnstone in the same field of endeavor teaches converting the voice command from the subscriber from a voice format to a digital format for processing the voice command by the voice information application (FIG. 4 and column 8, lines 44-57) [The voice interpreter 62 translates voice commands of the operator into digital information by understanding a bit by bit comparison of the digital signal].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Merwin in combination with Contractor and Wise using the voice interpreter as taught by Johnstone.

This modification of the invention enables the system to convert the voice command from the subscriber from a voice format to a digital format so that the trained voice interpreter would recognize the voice commands.

8. **Claim(s) 21-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawson in view of Cloutier as applied to **claim(s) 20** above, and further in view of Hartselle et al. (US 2004/0213385 A1).

Regarding **claim(s) 21**, Hartselle teaches prior to receiving a request for a stored text information message, storing one or more text information messages for access by the voice information application (FIG. 4 and paragraph 0050).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Merwin in combination with Contractor and wise using the advanced intelligent network and the voice mail system as taught by Hartselle.

This modification of the invention enables the system to route the call to the voice information application at a telecommunications system services node so that the user would have the convenience to review the saved information (Hartselle: paragraph 0005).

Regarding **claim(s) 22**, Hartselle teaches storing one or more text information messages includes storing one or more text information messages via an Internet-based web server whereby the web server is accessible by the voice information application (FIG. 4 and paragraph 0050).

Regarding **claim(s) 23**, Hartselle teaches accessing the Internet-based web server by the subscriber for modifying information telephonically accessible by the subscriber via the voice information application (FIG. 4 and paragraph 0050 and 0051).

Response to Arguments

9. Applicant's arguments with respect to **claim(s) 1-5, 7-27 and 29-37** have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gerald Gauthier
Primary Examiner
Art Unit 2614

GG
November 5, 2006